

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARCUS MORRISON,

Petitioner,

v.

JAMES KEY,

Respondent.

Case No. C22-5663-RAJ-MLP

ORDER TO SHOW CAUSE

This is a 28 U.S.C. § 2254 habeas action. Petitioner filed a proposed habeas petition on September 7, 2022, along with an application to proceed *in forma pauperis* (“IFP”). (Dkt. # 1.) After the Clerk’s office notified Petitioner of a deficiency in his IFP application, Petitioner requested and received an extension of time to correct the deficiency. (Dkt. ## 2-5.) On October 19, 2022, Petitioner refiled his IFP application, a PLRA IFP Status Report issued by the correctional facility, and a letter explaining that the correctional facility represented to him that these documents would suffice. (Dkt. # 6.) After careful consideration of the documents Petitioner has filed, the Court concludes they provide sufficient information with which to evaluate his IFP application.

Pursuant to 28 U.S.C. § 1915(a)(1), the Court may authorize the commencement of an action, without the prepayment of fees, where the petitioner establishes that he is unable to pay such fees. The filing fee for a civil lawsuit filed under 28 U.S.C. § 2254 is \$5.00.<sup>1</sup> 28 U.S.C. § 1914(a); *see also* LCR 100(d).

It appears from Petitioner's application that he has sufficient financial resources to pay the \$5.00 filing fee required in § 2254 habeas actions. Specifically, Petitioner's application reveals that he has \$265.93 in savings, \$56.73 in average monthly receipts, and an average spendable balance of \$11.26. (*See* dkt. # 6 at 3, 8.) While Petitioner's funds may not be great, it is not unreasonable to expect Petitioner to pay the \$5.00 filing fee required to proceed with this action given the fact that his basic needs are provided for while he is detained. Petitioner's application therefore demonstrates he has sufficient funds to pay the \$5.00 filing fee required in a federal habeas action.

Accordingly, Petitioner is ORDERED to pay the filing fee of \$5.00, or show cause why he cannot afford it, by **November 21, 2022**. If Petitioner fails to do so, this Court may recommend that the case be dismissed.

The Clerk is directed to send copies of this order to Petitioner and to the Honorable Richard A. Jones.

Dated this 20th day of October, 2022.



MICHELLE L. PETERSON  
United States Magistrate Judge

<sup>1</sup> In addition, the Fee Schedule for the U.S. District Court for the Western District of Washington designates that \$5.00 is required for filing a writ of habeas corpus under 28 U.S.C. § 2254 and is available at: <https://www.wawd.uscourts.gov/sites/wawd/files/FeeSchedule.pdf> (last visited October 20, 2022).